



Entered on Docket  
March 02, 2007

Hon. Linda B. Riegle  
United States Bankruptcy Judge

Annette W. Jarvis, Utah Bar No. 1649  
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*Attorneys for Debtors and Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

Case Nos. BK-S-06-10725 LBR  
Case Nos. BK-S-06-10726 LBR  
Case Nos. BK-S-06-10727 LBR  
Case Nos. BK-S-06-10728 LBR  
Case Nos. BK-S-06-10729 LBR

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

Chapter 11

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

In re:  
USA SECURITIES, LLC,  
Debtor.

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

**ORDER DENYING USA  
COMMERCIAL REAL ESTATE  
GROUP, INC.'S MOTION TO  
ENFORCE ORDER GRANTING  
DEBTORS' MOTION  
TO DISTRIBUTE FUNDS**  
**(AFFECTS ALL DEBTORS)**

Hearing: January 31, 2007  
Hearing Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
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The Motion to Enforce Order Granting Debtors' Motion to Distribute Funds ("Enforcement Motion") filed on September 27, 2006 [Docket No. 1388] by USA Commercial Real Estate Group, Inc. ("USA Real Estate") having been continued and coming before this court on January 31, 2007 after notice; USA Commercial Mortgage Company appearing by and through its counsel, Annette W. Jarvis, Esq. of Ray Quinney & Nebeker, P.C.; USA Real Estate appearing by and through its counsel, Jeffrey R. Sylvester, Esq. of Sylvester & Polednak, Ltd.; the Court having reviewed the briefs on file and having heard the arguments and representations of counsel and having made its findings of fact and conclusions on the record, it is hereby

ORDERED that the Enforcement Motion is denied.

Submitted by:

Approved / Disapproved by:

RAY QUINNEY & NEBEKER P.C. and  
SCHWARTZER & MCPHERSON LAW FIRM

OFFICE OF THE U.S. TRUSTEE

By: /s/ Jeanette E. McPherson  
LENARD E. SCHWARTZER, ESQ.  
JEANETTE E. MCPHERSON, ESQ.  
*Attorneys for Debtor and Debtor-In-Possession*

By: \_\_\_\_\_  
AUGUST B. LANDIS, ESQ.

**Approved/**Disapproved by:

Approved/Disapproved by:

LEWIS AND ROCA, LLP

GORDON & SILVER, LTD.

By: /s/ Rob Charles  
SUSAN FREEMAN, ESQ.  
ROB CHARLES, ESQ.  
*Counsel for the Official Committee of  
Unsecured Creditors of USA Commercial  
Mortgage Company*

By: \_\_\_\_\_  
GERALD M. GORDON, ESQ.  
GREGORY E. GARMAN, ESQ.  
*Counsel for the Official Committee of  
Holders of Executory Contract Rights of  
USA Commercial Mortgage Company*

**Approved/**Disapproved by:

Approved/Disapproved by:

ORRICK, HERRINGTON & SUTCLIFFE LLP  
and BECKLEY SINGLETON, CHTD.

STUTMAN TREISTER & GLATT, P.C. and  
SHEA & CARLYON, LTD.

By: /s/ Anne M. Loraditch  
MARC A. LEVINSON, ESQ.  
ANNE M. LORADITCH, ESQ.  
*Counsel for the Official Committee of  
Equity Security Holders of USA Capital  
Diversified Trust Deed Fund, LLC*

By: \_\_\_\_\_  
EVE KARASIK, ESQ.  
CANDACE C. CARLYON, ESQ.  
*Counsel for the Official Committee of  
Equity Security Holders of USA Capital  
First Trust Deed Fund LLC*

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**ORDER DENYING USA COMMERCIAL REAL ESTATE GROUP, INC.'S MOTION TO ENFORCE ORDER GRANTING DEBTORS' MOTION TO DISTRIBUTE FUNDS (AFFECTS ALL DEBTORS)**

Approved / Disapproved by:  
SYLVESTER & POLEDNAK, LTD.

By: \_\_\_\_\_  
JEFFREY SYLVESTER, ESQ.  
*Attorneys for USA Commercial Real Estate Group*

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

***Failed to respond: Office of the U.S. Trustee, Gordon & Silver, Ltd., Stutman Treister & Glatt and Shea & Carlyon, Ltd., Sylvester & Polednak, Ltd.***

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